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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 59/124 of 10 December 2004, the operative part of which reads as follows:

> "*The General Assembly*,
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> "...
>
> "1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;
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> "2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention, including the extrajudicial executions;
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> "3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life, vast numbers of injuries and massive destruction of homes, properties, agricultural lands and vital infrastructure;

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"4. *Expresses grave concern* at the use of suicide bombing attacks against Israeli civilians, resulting in extensive loss of life and injury;

"5. *Condemns* the events that occurred in the Jenin refugee camp in April 2002, including the loss of life, injury, widespread destruction and displacement inflicted on many of its civilian inhabitants;

"6. *Condemns also* the killing of Palestinian civilians and the widespread demolition of homes by Israel, the occupying Power, in the Rafah refugee camp in May 2004 and in the Jabaliya refugee camp in October 2004;

"7. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, respect human rights law and comply with its obligations;

"8. *Demands also* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in resolution ES-10/15 and resolution ES-10/13 of 21 October 2003, and that it cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall;

"9. *Stresses* the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

"10. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution."

2. On 14 July 2005, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the above-mentioned resolution.

3. No reply had been received at the time of the preparation of the present report.

4. In response to the note verbale sent to all permanent missions by the Secretary-General on 14 July 2005, the Permanent Mission of Cuba providing the following information.

5. The Government of Cuba placed great importance on the efforts of the United Nations system to promote the right of the Palestinian people to their own State, with East Jerusalem at its capital, and to end the Israeli occupation and secure a lasting peace that would restore the legitimate rights of the Palestinian people.

6. Cuba condemned the construction of the "Separation Wall" as one of the gravest breaches of the Fourth Geneva Convention. The sole purpose of the wall was to create an artificial frontier to further confine the population of the occupied territories. In this regard, the Government recalled the advisory opinion of the International Court of Justice.

7. Cuba also condemned the expansion of Israeli settlements, the construction of new ones, the confiscation of Palestinian land, the forced expulsion of the Arab population, the denial of freedom of movement and the demolition of dwellings. It further condemned the disproportionate use of force against civilians and the creation of a humanitarian crisis by Israel's treatment of the Palestinians.

8. Israel had been able to act with impunity because the United States had repeatedly used its veto in the Security Council. The Government of Cuba called upon the United Nations, and especially the Council, to assume its responsibilities and to act to restart the negotiations leading to a just and lasting peace in the region. It also called upon the Government of Israel to respect its obligations under international humanitarian law and international law.

9. It was the responsibility of the High Commissioner for Human Rights, her Office and the special procedures of the Commission on Human Rights to denounce the continuing genocide against the Palestinian people and to present recommendations for the respect of their human rights, beginning with the right to life. In that regard, the Government of Cuba considered it vital to carry out the actions mentioned in paragraph 5 of the Declaration on Palestine adopted by the XIV Ministerial Conference of the Non-Aligned Movement held in Durban, South Africa, on 19 August 2004.